STATE OF MICHIGAN

COURT OF APPEALS

CITIZENS FOR A BETTER LANSING, GREGORY H. KLINK, and LOIS E. KLINK,

Plaintiffs-Appellants,

v

CITY OF LANSING,

Defendant-Appellee.

UNPUBLISHED
August 30, 2002

No. 233175
Ingham Circuit Court
LC No. 00-092819-CH

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Plaintiffs appeal as of right from the trial court's order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In 1969, defendant purchased and combined four parcels of property located at the intersection of Butler and Genesee Streets in Lansing. Defendant installed playground equipment on the property and placed it under the jurisdiction of its Parks and Recreation Department. The property, commonly referred to as Genesee Park, was listed on defendant's inventory of park properties, but was not considered a required park or included as a park in defendant's master plan. Defendant's City Council approved the sale of the property. Plaintiffs Citizens for a Better Lansing (CBL), a non-profit association of Lansing residents, and Gregory and Lois Klink, property owners whose home is located across the street from Genesee Park, filed a complaint for injunctive relief asserting that the property was a city park and as such was subject to a restriction in §8-403.6 of defendant's City Charter stating that no park could be sold without the approval of a majority of defendant's electors.

Defendant moved for summary disposition pursuant to MCR 2.116(C)(5), (8), and (10), arguing both that plaintiffs lacked standing to bring suit because they did not allege unique injuries, and that because the property at issue had never been required as a park under the master plan, prior voter approval of the sale was not required. MCL 117.5(e); *Nash v Grand Rapids*, 170 Mich App 725; 428 NW2d 756 (1988). The trial court granted the motion pursuant to MCR 2.116(C)(8) and (10), finding that plaintiffs lacked standing for the reason that they failed to allege that their damages would differ from any suffered by the public at large, and that because the property at issue was not a required park under defendant's master plan, prior voter approval of the sale was not required.

We review a trial court's decision on a motion for summary disposition de novo. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997).

Plaintiffs argue that the trial court erred by granting defendant's motion for summary disposition. We disagree and affirm. To have standing, a party must show a substantial interest and a personal stake in the outcome of the controversy that is different from that of the general public. *Franklin Historic District Study Committee v Village of Franklin*, 241 Mich App 184, 187; 614 NW2d 703 (2000). Plaintiffs made no such showing. Individual plaintiffs own property located across the street from defendant's property; however, they have not asserted a right to use defendant's property that is different or greater than the right held by any resident, and have not asserted that the sale of defendant's property would have a unique effect on them, such as lowering the value of their property. A non-profit corporation such as CBL has standing only if it has a unique interest or its members have a unique interest in the subject matter of the litigation. *Michigan License Beverage Ass'n v Behnan Hall, Inc*, 82 Mich App 319, 324-326; 266 NW2d 808 (1978). Neither individual plaintiffs nor CBL and its members, Lansing residents, have a unique interest in the litigation. Plaintiffs' interest is the same as that of the public at large, i.e., protecting the right of the electorate to vote on an issue if the right applies under the circumstances. The trial court correctly determined that plaintiffs lacked standing to sue. *Franklin, supra*. Summary disposition was correctly granted.

Even if we were to assume arguendo that plaintiffs have standing, we would conclude that the trial court correctly granted summary disposition. Section 5(e) of the home rule cities act, MCL 117.5(e), prevents the sale of a park required under a city's master plan without prior voter approval. *Nash, supra*, pp 729-730. Here, the property at issue was never included as a required park in defendant's master plan. Moreover, the property was not included in the list of properties subject to the City Charter and ordinance requiring prior voter approval for sale. Contrary to plaintiffs' assertion, *Nash* applies and supports the trial court's grant of summary disposition in favor of defendant.

Affirmed.

/s/ Janet T. Neff
/s/ Kathleen Jansen